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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,491	02/17/2004	Man U.K. Choe	GC-536	1547

7590 07/29/2005
Parker & DeStefano
Suite 300
300 Preston Avenue
Charlottesville, VA 22902

EXAMINER

SHAW, ELIZABETH ANNE

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EA

Office Action Summary

Application No.

10/780,491

Applicant(s)

CHOE, MAN U.K.

Examiner

Elizabeth A. Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 23-32 is/are allowed.
- 6) ☒ Claim(s) 15 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 16,17,21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 07 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 22 is objected to because of the following informalities: claim 22 is listed TWICE in the claims. The second occurrence of claim 22 has been renumbered as – 23—and the subsequent claims thereafter have been shifted accordingly. Please use this numbering on any following responses to this action. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims ~~15~~^{is} are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (3,797,459) in view of Fedor (4,136,638). Harris shows an aquarium composed of a glass aquarium 16, 18 and a structural metal frame 12 capable of being of a size to have a weight of several hundreds of pounds when filled with water; the frame 12 having a front and rear sides comprising at least a pair of vertical channel members (see the corners, unnumbered) and a horizontal channel member (see the bottom edge, unnumbered). The pair of vertical channel members and horizontal channel member being bonded together to form a U-shaped frame unit. Fedor shows a wall mounted aquarium 10 having a glass aquarium 14, a pair of upper vertical plane members 40

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having a pair of elongated sides, i.e. the plane member extends the length of the aquarium and is thus elongated and a pair of vertical ends at each side of the aquarium bonded to a channel member 14. With respect to claim 15, to use the aquarium of Harris with the vertical plane members of Fedor would have been obvious to one skilled in the art as a replacement of functional equivalents.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Fedor as applied to claim 15 above, and further in view of Lin (6,018,913). Lin teaches a method of securing glass panels 22 with u-shaped or rectangular tubes 20 as channel members. With respect to claims 18 and 19, to use the channel member of Lin with the aquarium of the combination of Harris and Fedor would have been obvious to one skilled in the art as a replacement of functional equivalents.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Fedor as applied to claim 15 above, and further in view of Newman (5,435,270). Newman shows a wall mounted aquarium 1 having a glass aquarium 3, a frame 5 and a pair of U-shaped mounting rails 7 having a pair of legs 83, 93, an open and a closed end 91. The rails 7 being threadedly connected to the wall and connected to the aquarium via attachment means 97 and 99. With respect to claim 20, to use the mounted rail of Newman with the aquarium combination of Harris and Fedor would have been obvious to one skilled in the art in order to ensure a well supported hanging method which allows air to circulated between the tank and the wall for temperature control.

Allowable Subject Matter

Claims 16, 17, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-14 and 23-32 are allowed.

Drawings

The drawings are objected to because not all reference numbers have lines drawn to the area being referenced, see fig. 11 and 12 specifically and some figures have no reference numbers at all, see figures 13-15. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Included for further reference on aquariums and mounting systems are: Burch (3,276,428), Morinaga et al (4,187,642), Levine (4,455,011), Waldman (4,967,694), Schrott (5,452,139), Irwin (5,878,694), Caradant (6,041,739), Yamanashi (6,886,799) and Bergqvist (2004/0103601).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 571-272-6908. The examiner can normally be reached on M-Th 9:00-4:30.

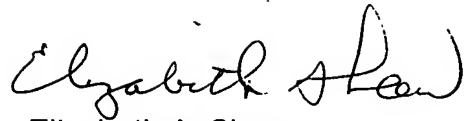
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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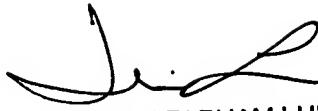


Elizabeth A. Shaw

Examiner

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July 20, 2005



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER